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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

MISSAK AZIRIAN,

Plaintiff and Respondent,

v.

OLIVER MA,

Defendant and Appellant.

B178027

(Los Angeles County  
Super. Ct. No. BC314255)

ORDER MODIFYING OPINION,  
DENYING REHEARING AND  
DENYING REQUEST FOR  
PUBLICATION  
[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on April 3, 2006, be modified as follows:

1. On page 9, the first sentence of the last paragraph, beginning “We conclude that” is deleted and replaced with the following sentence:

We conclude that the arbitration clause can be enforced against Azirian under agency rules because Azirian has alleged facts leading to the conclusion that he and Ma are either disclosed or undisclosed principals with respect to the China LLC agreement.

2. On page 10, the first two sentences of the first paragraph, beginning “The gravamen of Azirian’s claims” are deleted and replaced with the following two sentences:

The gravamen of Azirian's claims against Ma is that the China LLC was one of the instrumentalities by which Azirian and Ma, as individuals, carried out a purported *oral* joint venture agreement. Consequently, under Azirian's theory, the signatories to the China LLC agreement, Trade Expert and Activa Group, must have been acting as agents for the individuals in entering into the China LLC agreement.

There is no change in the judgment.

Respondent's petition for rehearing is denied.

Respondent's request for publication is denied.

MALLANO, J.

SPENCER, P. J.

ROTHSCHILD, J.